

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11697 of 2004

Between:

Kalidindi Balarama Krishnam Raju S/o Bangarraju, Owner of Vehicle bearing No.
TN 01J 9895, R/o D. No. 34-1-16 Little Flower Convent Road, Tanuku

... PETITIONER

AND

1 The Deputy Transport Commissioner & Secretary, Regional Transport

Authority, West Godavari District at Eluru

2 The Regional Transport Officer, Dharmavaram, West Godavari District

3 Director General and Inspector General of Police, Andhra Pradesh, Hyderabad

4 The Superintendent of Police, West Godavari District at Eluru

5 The Regional Manager, APSRTC, Eluru West Godavari District

6 The Divisional Manager, APSRTC, Eluru, West Godavari District

7 The Depot Manager, APSRTC, Tanuku, West Godavari District

8 The Depot Manager, APSRTC, Narasapuram and Thadepallegudem, West

Godavari District

9 The Inspector of Police, Special Squad, Thadepalle Gudem to Curb illicit

operators, West Godavari Region, West Godavari District, at Eluru,

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ one in the nature of Writ of Mandamus, declaring the action of the respondent in obstructing the vehicle of the petitioner bearing No. TN 01J 9895 without any authority, as illegal, arbitrary and contrary to the provisions of the Motor Vehicles Act and infringing the rights of the petitioner provided under Article 14 and 19 of the Constitution of India and direct the respondents not to seize the vehicle of the petitioner without following the rules and provisions of Motor

Vehicles Act, in the interest of justice

Counsel for the Petitioner: MR. CHETLURU SREENIVAS

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following order:

ORDER:

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Petitioner seeks a direction declaring the action of the respondents in obstructing his vehicle contrary to the Motor Vehicles Act (for short 'the Act') and to direct the respondents not to seize his vehicle without following the rules and provisions of the Act.

Counter has been filed on behalf of the 3, 4 and 9th respondents stating that the petitioner is the owner of the Maxi cab bearing

No.TN01/J 9895 and the respondents never seized, detained or booked any case against the petitioner contrary to the Motor Vehicle Act and Rules. The 9th respondent is not an officer appointed as the Incharge of Special Squad to conduct vehicle checking and to seize Maxi cab of the petitioner or other vehicles. It is stated that respondents 3 and 4 never issued any specific instructions to the 9th respondent to seize or book any case against the petitioner. Therefore, the allegations of the petitioners are incorrect and untenable and the 9th respondent is not at all authorized to seize the vehicle.

The writ petition is filed only on assumptions and presumptions without there being any valid ground. Therefore, I do not see any cause of action that gave rise to the filing of the writ petition.

Accordingly, the writ petition is dismissed. No costs.

V. ESWARAIAH, J

April 4, 2005

Dsk

To

1 The Deputy Transport Commissioner & Secretary, Regional Transport

Authority, West Godavari District at Eluru

2 The Regional Transport Officer, Dharmavaram, West Godavari District

3 Director General and Inspector General of Police, Andhra Pradesh, Hyderabad

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10 Two CCs to GP For Transport, High Court Buildings, Hyderabad (OUT)

Two CD Copies.